

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED 07 DEC 10 AM 10:14
SOUTHERN U.S. DISTRICT COURT
OF CALIFORNIA

UNITED STATES OF AMERICA,) Magistrate Docket No. 07 MJ 2849
Plaintiff,)
v.) <u>COMPLAINT FOR VIOLATION OF:</u>
Augustin SOLTERO-Fonseca,) Title 8, U.S.C., Section 1326b ^{b6}
Defendant) Deported Alien Found in the
) United States

The undersigned complainant, being duly sworn, states:

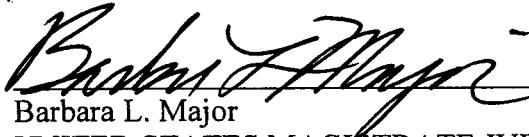
On or about **December 8, 2007** within the Southern District of California, defendant, **Augustin SOLTERO-Fonseca**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 10th DAY OF December,
2007



Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Augustin SOLTERO-Fonseca****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

On December 8, 2007 Border Patrol Agent M. Mathieson was advised by the Western Scope Operator of an individual walking north of an area known as the "Horse Trail". This area is approximately five miles west of the San Ysidro, California Port of Entry and one half mile north of the United States/Mexico International Boundary. Once in the area Agent Mathieson observed an individual concealing himself in some brush. Agent Mathieson identified herself as a Border Patrol Agent and questioned the individual later identified as the defendant Augustin SOLTERO-Fonseca as to his citizenship and nationality. The defendant freely admitted to being a citizen and national of Mexico illegally in the United States and not in possession of any immigration documents allowing him to be or remain in the United States legally. The defendant was arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on August 12, 2007 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on December 9, 2007 at 1:30 p.m.



Terri L. Dimolios
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on December 8, 2007, in violation of Title 8, United States Code, Section 1326.



Barbara L. Major
United States Magistrate Judge

Date/Time